

USDC SCAN INDEX SHEET



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3:98-CV-01633 MICROSTAR SOFTWARE V. EPIC MEGAGAMES INC

\*1\*

\*CMP.\*

**ORIGINAL**

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 8 PHILIP H. STILLMAN, Bar # 152861  
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10 Attorneys for plaintiff, MICROSTAR SOFTWARE, INC.

**FILED** X  
 (SPACE BELOW PROVIDED FOR FILING STAMP ONLY)

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CLERK, U.S. DISTRICT COURT  
 SOUTHERN DISTRICT OF CALIFORNIA

BY: *[Signature]* DEPUTY

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**UNITED STATES DISTRICT COURT**  
**FOR SOUTHERN DISTRICT OF CALIFORNIA**

MICROSTAR SOFTWARE, INC., a California corporation,  
 Plaintiff,  
 vs.  
 EPIC MEGAGAMES, INC.; and DOES 1 through 10 inclusive,  
 Defendants.

CASE NO.: **98 cv 1633 JM LAB**

COMPLAINT FOR:

1. DECLARATORY JUDGMENT;
2. VIOLATION OF THE SHERMAN ACT
3. INTENTIONAL INTERFERENCE WITH CONTRACTUAL RELATIONS;
4. UNFAIR COMPETITION;
5. CONSPIRACY

I.

**PARTIES**

1. Plaintiff Micro Star is a California corporation with a usual place of business in San Diego County, California.

2. Defendant Epic MegaGames Inc. ("Epic") is a business entity with a usual place of business in Virginia. Upon information and belief, Epic is the copyright owner of Unreal. Epic regularly transacts business in San Diego County, California.

3. Defendants DOES 1 through 100 inclusive are sued herein under fictitious names; the true names and capacities are not known at this time, but the prayer is made that the same may be inserted herein when ascertained. Plaintiff is informed and believes and therefore alleges that each of the Defendants designated herein as a DOE is responsible in some manner for the events and happenings herein referred to, and proximately caused the damage to the Plaintiff as herein alleged.

4. At all times relevant, each of the defendants acted as the agent for each of the other defendants in doing the acts complained of herein.

II.

**JURISDICTION**

5. The court has federal question jurisdiction under 28 U.S.C. § 1338 pursuant to the Copyright Act of 1976 as amended, 17 U.S.C. § 101 et seq. and under 28 U.S.C. § 1337 pursuant to the Sherman Antitrust Act, 15 U.S.C. § 2.

6. The court also has diversity jurisdiction pursuant to 28 U.S.C. § 1332(a)(1).

7. Jurisdiction over the state law claims is also conferred by the principles of supplemental jurisdiction, 28 U.S.C. § 1367 as well as 28 U.S.C. § 1338(b).

8. No amount in controversy is required for this action; however, the amount in controversy is in excess of \$1,000,000.

III.

**VENUE**

9. The cause of action arose in the State and Southern District of California in that a substantial part of the events and omissions that are the subject of this action occurred in the State

1 and the Southern District of California, pursuant to 28 U.S.C. § 1391(a) and (b). Moreover, all of the  
2 Defendants transact business in the Southern District of California and are subject to personal  
3 jurisdiction there, and venue is therefore appropriate under 28 U.S.C. § 1391(c) and 28 U.S.C. §  
4 1400(a).

#### 5 IV.

#### 6 FACTUAL ALLEGATIONS

##### 7 A. Unreal.

8 10. Unreal is a popular video game. "Unreal" is, according to Unreal's packaging, a  
9 registered trademark of the defendants.

10 11. Unreal is marketed by the defendants in two ways. First, individuals may obtain a  
11 "shareware" version of Unreal off of the Internet without charge. If the individual is satisfied with  
12 the game, he or she can register the game with the defendants for a fee. The shareware version of  
13 Unreal is substantially similar to the registered version and consists of certain "levels." However, to  
14 encourage individuals to purchase the registered version, the shareware version is limited in several  
15 ways. For example, it only includes a limited number of levels, a limited number of weapons, and  
16 does not permit multiple players. The shareware version, which is distributed without charge over  
17 the Internet, has the same appearance and characters as does the registered version.

18 12. The second way that Unreal is marketed is through commercial vendors for a fee. For  
19 the purchase price, a purchaser gets a "registered" copy of Unreal on a CD, which has a number of  
20 different levels.

21 13. Particularly germane to this action, the registered version also contains, as set forth on  
22 the Unreal packaging, an easy-to-use editor that enables the user to build new levels. The registered  
23 version thus permits purchasers to create new levels for Unreal, which can then be played using the  
24 registered version of Unreal.

25 14. Without the registered version of Unreal, user-created data files cannot be played.

26 15. The defendants have used this feature as a selling point for the registered version of  
27 Unreal.

28 16. Currently, there are hundreds of independently created data files available to the

1 public over the Internet and on various electronic bulletin board systems ("BBS"). In fact, the  
2 creators of Unreal' own BBS distributes these levels created by users. These data files are therefore  
3 in the public domain.

4 17. Unreal purports to restrict the use of levels created with the level editor to non-  
5 commercial distribution by inclusion of a license with the game.

6 B. Micro Star's "Totally 4 Real."

7 18. Recognizing the difficulty facing registered users in distributing and obtaining other  
8 users' data files, Micro Star believed that a commercial market existed for a compilation of these  
9 third party-created data files. Micro Star collected these third party-created data files from public  
10 sources such as the Internet, and compiled a number of them on a CD entitled "Totally 4 Real."  
11 Micro Star did not create any of these data files nor use the defendants' software to create them.

12 19. The packaging, or "cover art" for Totally 4 Real is completely dissimilar to Unreal's  
13 cover art. In addition, Totally 4 Real's cover art prominently identifies Unreal as "a registered  
14 trademark of Epic Entertainment." Totally 4 Real's cover art also prominently states (1) that "this  
15 product is not affiliated with nor will it be supported by Epic Entertainment" and (2) in a bright red  
16 sticker, that the new levels "were independently created by 3rd parties not affiliated with Epic,  
17 creator of Unreal". Thus, there is no possibility that any reasonable consumer could mistake  
18 Totally 4 Real for Unreal or a product created by the defendants. Moreover, it complies with the  
19 district court's ruling in *Microstar v. Formgen, Inc.*, 942 F.Supp. 1312 (S.D.Cal. 1996), affirming the  
20 lack of confusion in such identical disclaimers.

21 20. Moreover, as discussed above, Totally 4 Real's cover art prominently states that in  
22 order to use Totally 4 Real, the purchaser must purchase the registered version of Unreal. Thus, not  
23 only is there no possibility of confusion, but sales of Totally 4 Real actually complement or enhance  
24 sales of Unreal. Presumably, more consumers will purchase Unreal since there are many new levels  
25 to play, and consumers who have heard of one or more levels included in Totally 4 Real will want  
26 to purchase the registered version of Unreal in order to play those levels.

27 21. Totally 4 Real will be released to the public on or about September 12, 1998. There  
28 is a significant demand for Totally 4 Real.

1 C. The Defendants' Wrongful Conduct.

2 22. At some time on or about August 28, 1998, the defendants began a course of conduct  
3 designed to prevent sales of Totally 4 Real nationally, so that the defendants could market their own  
4 new data files for Unreal. Accordingly, plaintiff is informed and believes that the defendants and  
5 their authorized agents began contacting major nationwide distributors of game software, including  
6 those who had already placed orders with Micro Star for thousands of units of Totally 4 Real, with  
7 the express purpose of wrongfully disrupting those vendors' contracts and purchase orders with  
8 Micro Star.

9 23. As a result of these threats, the defendants have threatened to cause the loss of  
10 thousands of unit sales to vendors, and will cost Micro Star hundreds of thousands of dollars in  
11 revenue.

12 24. In addition, the defendants threatened Micro Star with a copyright infringement action  
13 and impoundment of all copies of Totally 4 Real in order to intimidate Micro Star into removing  
14 Totally 4 Real from distribution.

15 25. At all times, the defendants knew or believed that Totally 4 Real did not infringe on  
16 their copyrights or trademarks, and knew that threats of legal action against Totally 4 Real's  
17 distributors were baseless. In particular, a district court of this district has already ruled that  
18 Microstar could release such additional game levels and that such levels did not infringe on any  
19 copyrights. Moreover, the defendants knew that all of the data files contained on the Totally 4 Real  
20 CD were in the public domain and created and distributed with the defendants' encouragement.  
21 Thus, the defendants made such threats solely for the anti-competitive purpose of preserving a  
22 market for their own product, which was not even ready for distribution.

23 26. Accordingly, without the injunctive and declaratory relief requested below, Micro Star  
24 will suffer irreparable harm to its business, and has already suffered significant monetary and  
25 reputational harm as a result of the defendants' misuse of their copyrights and trademarks.

26 **FIRST CAUSE OF ACTION**

27 (Declaratory Judgment)

28 27. Plaintiff realleges and incorporates by reference to allegations contained in paragraphs

1 1 through 30 as through set forth herein in full.

2 28. An actual controversy has arisen and exists among Micro Star and the defendants.  
3 The defendants contend that Totally 4 Real infringes on their copyrights and trademarks for Unreal.  
4 Micro Star disputes this contention.

5 29. Plaintiff desires a judicial declaration that Totally 4 Real does not infringe on either  
6 the copyrights or trademarks or rights held by the defendants. In addition, Micro Star seeks a  
7 declaration that the defendants cannot enforce their copyrights against Micro Star because of their  
8 misuse of the copyrights as set forth above.

9 30. Such a declaration of rights is necessary and appropriate at this time in order that  
10 Plaintiff may ascertain his rights and duties with respect to defendants, and each of them, and with  
11 respect to any third parties who may intend to or currently distribute Totally 4 Real.

12 **SECOND CAUSE OF ACTION**

13 (Violation of the Sherman Antitrust Act)

14 31. Plaintiff realleges and incorporates by reference to allegations contained in paragraphs  
15 1 through 30 as through set forth herein in full.

16 32. Unreal and add-on programs for Unreal is a discrete market within the video game  
17 industry. Unreal currently accounts for a significant portion of the video game market.

18 33. As set forth above, the defendants have the specific intent to monopolize the relevant  
19 market and have conspired to attempt to monopolize the relevant market through, among other  
20 things, misuse of their copyright.

21 34. As set forth above, the defendants, through their knowingly baseless threats of legal  
22 action against Totally 4 Real distributors, have committed several anti-competitive acts in  
23 furtherance of their intent. In particular, the defendants' threat of copyright infringement lawsuits  
24 and impoundment is a sham.

25 35. Moreover, by virtue of their anti-competitive acts, the defendants have a dangerous  
26 probability of success in monopolizing the market. In fact, upon information and belief, Micro Star  
27 is the only competition in the relevant market, and the defendants' anti-competitive conduct  
28 threatens to eliminate all competition in the market.

36. As a result of the defendants' anticompetitive conduct and attempted monopolization barred by Section 2 of the Sherman Antitrust Act, Micro Star has suffered and continues to suffer damages in an amount to be determined at trial but in excess of \$500,000.

### **THIRD CAUSE OF ACTION**

(Interference with Contractual Relations)

37. Plaintiff realleges and incorporates by reference to allegations contained in paragraphs 1 through 36 as through set forth herein in full.

38. The defendants knew of the existing and prospective business and contractual relations between Micro Star and its vendors.

39. By the wrongful acts set forth above, the defendants intentionally disrupted Micro Star's advantageous contractual and prospective relations with its vendors who had agreed to purchase or had purchased Nuke It.

40. The defendants knew that disruption of Micro Star's contractual relations would result from their copyright misuse, and intended that their anti-competitive conduct result in the disruption of Micro Star's contractual relations.

41. The defendants' wrongful acts alleged above were neither justified or privileged. Instead the defendants' actions were outside the realm of legitimate business transactions.

42. As a result of the defendants' intentional interference with Micro Star's contractual relations, Micro Star has suffered and continues to suffer damages in an amount to be determined at trial but in excess of \$500,000.

43. The defendants acted intentionally, maliciously, willfully and with the intent to injure Plaintiff, or to benefit defendants. Accordingly, the defendants should pay Plaintiff punitive damages in an amount not less than five million dollars (\$5,000,000.00), in accordance with proof at trial.

### **FOURTH CAUSE OF ACTION**

(Unfair Competition under Cal. Bus. & Prof. Code § 17200 et seq.)

44. Plaintiff realleges and incorporates by reference to allegations contained in paragraphs 1 through 43 as through set forth herein in full.



46. As a result of the defendants' unfair competition, Micro Star has suffered and continues to suffer damages in an amount to be determined at trial but in excess of \$500,000.

46. As a result of the defendants' unfair competition, Micro Star has suffered and continues to suffer damages in an amount to be determined at trial but in excess of \$500,000.

## JURY DEMAND

47. Micro Star demands a trial by jury.

## PRAYER FOR RELIEF

WHEREFORE, Plaintiff prays for judgment as follows:

1. That defendants, and each of them, their agents, and servants be enjoined during the pendency of this action and permanently from contacting any vendor and contending, in any form of words or media, that Totally 4 Real infringes on the defendants' copyrights or trademarks, that a vendor should not carry Totally 4 Real, that the defendants may or will commence a legal action against the vendor as a result of the vendor carrying Totally 4 Real;

2. That defendants, and each of them, pay general and special damages to Plaintiff for defendants' unfair competition in accordance with proof at trial;

3. That defendants, and each of them, pay punitive and/or treble damages to Plaintiff for defendants' unfair competition and violation of the Sherman Antitrust Act in accordance with proof at trial;

4. That defendants, and each of them, pay Plaintiff its costs of this action and its reasonable attorneys' fees;

5. That the Court issue a declaration that Totally 4 Real does not infringe on any of the defendants' copyrights or trademarks;

6. That the Court issue a declaration that the defendants cannot enforce their copyrights against Micro Star because of the defendants' misuse of their copyrights; and

1           7.       Such other and further relief as this Court deems just and appropriate.

2  
3                               Respectfully Submitted,

4                               FLYNN, SHERIDAN, TABB & STILLMAN

5  
6       Dated: September 9, 1998

7                               By 

Philip H. Stillman, Esq.  
Attorneys for Plaintiff

AO 121 (6/90)

TO:  <b>Register of Copyrights Copyright Office Library of Congress Washington, D.C. 20559</b>	<b>REPORT ON THE FILING OR DETERMINATION OF AN ACTION OR APPEAL REGARDING A COPYRIGHT</b>
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In compliance with the provisions of 17 U.S.C. 508, you are hereby advised that a court action or appeal has been filed on the following copyright(s):

<input type="checkbox"/> ACTION	<input type="checkbox"/> APPEAL	COURT NAME AND LOCATION
DOCKET NO. 98cv1633 JM (LAB)	DATE FILED 9/9/98	United States District Court, Southern District of California 880 Front Street, Room 4290 San Diego, CA 92101-8900
PLAINTIFF Microstar Software, Inc		DEFENDANT Epic Megagames, Inc
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>	<b>AUTHOR OF WORK</b>
1 see attachment...(copy of complaint)		
2		
3		
4		
5		

In the above-entitled case, the following copyright(s) have been included:

DATE INCLUDED	INCLUDED BY <input type="checkbox"/> Amendment <input type="checkbox"/> Answer <input type="checkbox"/> Cross Bill <input type="checkbox"/> Other Pleading			
<b>COPYRIGHT REGISTRATION NO.</b>	<b>TITLE OF WORK</b>		<b>AUTHOR OF WORK</b>	
1				
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3				

In the above-entitled case, a final decision was rendered on the date entered below. A copy of the order or judgment together with the written opinion, if any, of the court is attached.

COPY ATTACHED <input type="checkbox"/> Order <input type="checkbox"/> Judgment	WRITTEN OPINION ATTACHED <input type="checkbox"/> Yes <input type="checkbox"/> No	DATE RENDERED
CLERK	(BY) DEPUTY CLERK	DATE

Copy 1 - Upon initiation of action, mail this copy to Register of Copyrights Copy 2 - Upon filing of document adding copyrights, mail this copy to Registrar of Copyrights

Copy 3 - Upon termination of action, mail this copy to Registrar of Copyrights Copy 4 - In the event of appeal, forward this copy to the Appellate Court so they can prepare a new AO 279 for the appeal

AO 121 (6/90)

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<b>CLERK</b>	<b>(BY) DEPUTY CLERK</b>	<b>DATE</b>

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JS 44  
(Rev. 07/89)

## CIVIL COVER SHEET

ORIGINAL

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for the use of the Clerk of Court for the purpose of indexing the civil docket sheet. (SEE INSTRUCTIONS ON THE REVERSE OF THE FORM.)

## I (a) PLAINTIFFS

MICROSTAR SOFTWARE, INC., a  
California Corporation

## DEFENDANTS

98 SEP -9 PM 1:59  
EPIC MEGAGAMES, INC.; and DOES  
1 through 10 inclusive

(b) COUNTY OF RESIDENCE OF FIRST LISTED PLAINTIFF San Diego  
(EXCEPT IN U.S. PLAINTIFF CASES)

COUNTY OF RESIDENCE OF FIRST LISTED DEFENDANT PUTY  
(IN U.S. PLAINTIFF CASES ONLY)

NOTE: IN LAND CONDEMNATION CASES, USE THE LOCATION OF THE  
TRACT OF LAND INVOLVED

## (c) ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Philip H. Stillman, Esq.  
Flynn, Sheridan, Tabb & Stillman  
16903 Avenida De Acacias, #5, P.O. Box 690  
Rancho Santa Fe, CA 92067 (619) 759-7000

## ATTORNEYS (IF KNOWN)

'98 CV 1633 JM LAB

## II. BASIS OF JURISDICTION (PLACE AN X IN ONE BOX ONLY)

- ☐ 1 U.S. Government Plaintiff  
☐ 2 U.S. Government Defendant  
☒ 3 Federal Question (U.S. Government Not a Party)  
☐ 4 Diversity (Indicate Citizenship of Parties in Item III)

## III. CITIZENSHIP OF PRINCIPAL PARTIES

(For Diversity Cases Only)

(PLACE AN X IN ONE BOX FOR PLAINTIFF AND ONE BOX FOR DEFENDANT)

- |   |                            |                            |   |                                       |                                       |
|---|----------------------------|----------------------------|---|---------------------------------------|---------------------------------------|
|   | PTF                        | DEF                        |   | PTF                                   | DEF                                   |
| Citizen of This State                   | <input type="checkbox"/> 1 | <input type="checkbox"/> 1 | Incorporated or Principal Place of Business in This State     | <input checked="" type="checkbox"/> 4 | <input type="checkbox"/> 4            |
| Citizen of Another State                | <input type="checkbox"/> 2 | <input type="checkbox"/> 2 | Incorporated and Principal Place of Business in Another State | <input type="checkbox"/> 5            | <input checked="" type="checkbox"/> 5 |
| Citizen or Subject of a Foreign Country | <input type="checkbox"/> 3 | <input type="checkbox"/> 3 | Foreign Nation  | <input type="checkbox"/> 6            | <input type="checkbox"/> 6            |

## IV. ORIGIN

(PLACE AN X IN ONE BOX ONLY)

- ☒ 1 Original Proceeding  
☐ 2 Removed from State Court  
☐ 3 Remanded from Appellate Court  
☐ 4 Reinstated or Reopened  
☐ 5 Transferred from another district (specify)  
☐ 6 Multidistrict Litigation  
☐ 7 Judge from Magistrate Judgment

## V. REQUESTED IN COMPLAINT:

☐ CHECK IF THIS IS A CLASS ACTION  
UNDER F.R.C.P. 23

DEMAND \$

Check YES only if demanded in complaint:  
JURY DEMAND: ☒ YES ☐ NO

## VI. CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE.)

DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY.)

Copyright Act. Declaratory judgment under  
the Copyright Act.

17:0101 SD

## VII. NATURE OF SUIT (PLACE AN X IN ONE BOX ONLY)

CONTRACT	TORTS	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES
<input type="checkbox"/> 110 Insurance <input type="checkbox"/> 120 Marine <input type="checkbox"/> 130 Motor Act <input type="checkbox"/> 140 Negotiable Instrument <input type="checkbox"/> 150 Recovery of Overpayment & Enforcement of Judgment <input type="checkbox"/> 151 Medicare Act <input type="checkbox"/> 152 Recovery of Defaulted Student Loans (Excl. Veterans) <input type="checkbox"/> 153 Recovery of Overpayment of Veterans' Benefits <input type="checkbox"/> 160 Stockholders' Suits <input type="checkbox"/> 190 Other Contract <input type="checkbox"/> 195 Contract Product Liability	<b>PERSONAL INJURY</b> <input type="checkbox"/> 310 Airplane <input type="checkbox"/> 315 Airplane Product Liability <input type="checkbox"/> 320 Assault, Libel & Slander <input type="checkbox"/> 330 Federal Employers' Liability <input type="checkbox"/> 340 Marine <input type="checkbox"/> 345 Marine Product Liability <input type="checkbox"/> 350 Motor Vehicle <input type="checkbox"/> 355 Motor Vehicle Product Liability <input type="checkbox"/> 360 Other Personal Injury <b>PERSONAL INJURY</b> <input type="checkbox"/> 362 Personal Injury-Med Malpractice <input type="checkbox"/> 365 Personal Injury-Product Liability <input type="checkbox"/> 368 Assault Personal Injury Product Liability <b>PERSONAL PROPERTY</b> <input type="checkbox"/> 370 Other Fraud <input type="checkbox"/> 371 Truth in Lending <input type="checkbox"/> 380 Other Personal Property Damage <input type="checkbox"/> 385 Property Damage Product Liability	<input type="checkbox"/> 610 Agriculture <input type="checkbox"/> 620 Other Food & Drug <input type="checkbox"/> 625 Drug Related Seizure of Property 21 USC 881 <input type="checkbox"/> 630 Liquor Laws <input type="checkbox"/> 640 R.R. & Truck <input type="checkbox"/> 650 Airline Regs. <input type="checkbox"/> 660 Occupational Safety/Health <input type="checkbox"/> 690 Other <b>LABOR</b> <input type="checkbox"/> 710 Fair Labor Standards Act <input type="checkbox"/> 720 Labor/Mgmt. Relations <input type="checkbox"/> 730 Labor/Mgmt. Reporting & Disclosure Act <input type="checkbox"/> 740 Railway Labor Act <input type="checkbox"/> 790 Other Labor Litigation <input type="checkbox"/> 791 Empl. Ret. Inc. Security Act	<input type="checkbox"/> 422 Appeal 28 USC 158 <input type="checkbox"/> 423 Withdrawal 28 USC 157 <b>PROPERTY RIGHTS</b> <input checked="" type="checkbox"/> 820 Copyrights <input type="checkbox"/> 830 Patent <input type="checkbox"/> 840 Trademark <b>SOCIAL SECURITY</b> <input type="checkbox"/> 861 HIA (1395H) <input type="checkbox"/> 862 Black Lung (923) <input type="checkbox"/> 863 DMW/DWW (405(g)) <input type="checkbox"/> 864 SSID Title XVI <input type="checkbox"/> 865 RSI (405(g)) <b>FEDERAL TAX SUITS</b> <input type="checkbox"/> 870 Taxes (U.S. Return or Deficiency) <input type="checkbox"/> 871 IRS - Third Party 26 USC 7608	<input type="checkbox"/> 400 State Reapportionment <input type="checkbox"/> 410 Antitrust <input type="checkbox"/> 430 Banks and Banking <input type="checkbox"/> 450 Commerce/ICC Rates/etc. <input type="checkbox"/> 460 Deportation <input type="checkbox"/> 470 Racketeer Influenced and Corrupt Organizations <input type="checkbox"/> 810 Selective Service <input type="checkbox"/> 850 Securities/Commodities/Exchange <input type="checkbox"/> 875 Customer Challenge 12 USC 3410 <input type="checkbox"/> 891 Agricultural Acts <input type="checkbox"/> 892 Economic Stabilization Act <input type="checkbox"/> 893 Environmental Matters <input type="checkbox"/> 894 Energy Allocation Act <input type="checkbox"/> 895 Freedom of Information Act <input type="checkbox"/> 900 Appeal of Fee Determination Under Equal Access to Justice <input type="checkbox"/> 950 Constitutionality of State Statutes <input checked="" type="checkbox"/> 990 Other Statutory Actions

## VIII. RELATED CASE(S) IF ANY (See instructions.)

JUDGE

DOCKET NUMBER

DATE 9/9/98

SIGNATURE OF ATTORNEY OF RECORD

Philip H. Stillman

UNITED STATES DISTRICT COURT  
CV-71 (07/92)

(CONTINUED ON REVERSE SIDE)